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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,404	01/06/2004	Stephen N. Griffin	SNG-P0001	3911

35775 7590 02/09/2005

DESIGN IP  
5000 W. TILGHMAN STREET  
SUITE 153  
ALLENTOWN, PA 18104

EXAMINER
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ABBOTT, YVONNE RENEE

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/752,404

Applicant(s)

GRIFFIN, STEPHEN N.

Examiner

Yvonne R. Abbott

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004 and 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-6, 14, 15, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 7-13 and 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,6,15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ingebritsen (3,487,814). Ingebritsen shows a container (30) having an open top and an upright position in which the open top is oriented upwardly; and an enclosure that defines a chamber, an exterior, an entrance (20), and a first opening located between the entrance and the chamber, the enclosure including a housing having top and bottom surfaces and a first wall, and a removable door (11,12) which engages the housing, and wherein the door has a first position and a second position, wherein the container and chamber are shaped so that the container may be placed in the chamber in the upright position, and the entrance allows access to the container when the container is located in the chamber; and wherein the first opening is larger when the door is in the second position than when the door is in the first position, and the container can be removed from the chamber in the upright position; wherein more than half of the open top is shielded from the exterior when the door is in the first position; and wherein the enclosure is horizontally symmetrical so that the enclosure can be used in a left-handed or right-handed orientation.

3. Claims 1-3,6,14,15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Reitz (5,662,066). Reitz shows a container (124) having an open top and an upright position in which the open top is oriented upwardly; and an enclosure that defines a chamber, an exterior, an entrance, and a first opening located between the entrance and the chamber, the enclosure including a housing having top and bottom surfaces and a first wall, and a removable door (54) having a first position and a second position, wherein the door engages the container and the housing; wherein the container and chamber are shaped so that the container may be placed in the chamber in the upright position, and the entrance allows access to the container when the container is located in the chamber; and wherein the first opening is larger when the door is in the second position than when the door is in the first position, and the container can be removed from the chamber in the upright position; wherein more than half of the open top is shielded from the exterior when the door is in the first position; wherein the enclosure includes a top portion and a bottom portion that is separable from the top portion.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by McGowan (583,925). McGowan shows a container having an open top and an upright position in which the open top is oriented upwardly; and an enclosure (A) that defines a chamber, an exterior, an entrance, and a first opening located between the entrance and the chamber, the enclosure including a housing having top and bottom surfaces and a first wall; and a door (A<sup>2</sup>) having a first position and a second position, wherein

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the container and chamber are shaped so that the container may be placed in the chamber in the upright position, and the entrance allows access to the container when the container is located in the chamber; and wherein the first opening is larger when the door is in the second position than when the door is in the first position, and the container can be removed from the chamber in the upright position; wherein more than half of the open top is shielded from the exterior when the door is in the first position; wherein the door pivots about an axis and includes a wall that follows a circumferential path.

***Allowable Subject Matter***

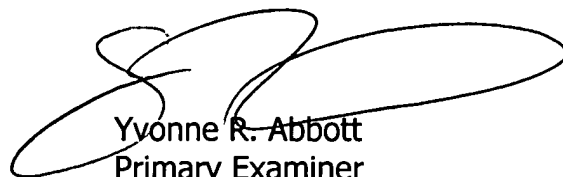
5. Claims 7-13 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 22 and 23 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (703)308-2866. The examiner can normally be reached on Mon-Thurs 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (703)305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne R. Abbott  
Primary Examiner  
Art Unit 3644

2/2/05